IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:08-HC-2104-D

UNITED STATES OF AMERICA,)
Petitioner,)
v.) ORDER
RICHARD WEISENBERGER,)
Respondent.)

On June 23, 2010, Richard Weisenberger ("Weisenberger" or "respondent") filed a motion to dismiss [D.E. 9] the government's petition for his commitment pursuant to 18 U.S.C. § 4248. The United States Court of Appeals for the Fourth Circuit's recent decision in <u>United States v. Comstock</u>, Nos. 07-7671, 07-7672, 07-7673, 07-7674, 07-7675, 2010 WL 4925389 (4th. Cir. Dec. 6, 2010), controls the issues presented in respondent's motion to dismiss. Therefore, the motion to dismiss [D.E. 9] is DENIED.

SO ORDERED. This (8 day of January 2011.

JAMES C. DEVER III United States District Judge